

METROPOLITAN PLAN COMMISSION
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CBD-SPECIAL DEVELOPMENT DISTRICT

ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

METROPOLITAN PLANNING DEPARTMENT

1968

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CHAPTER 1

SECTION 1.00 ESTABLISHMENT OF CBD-SPECIAL DEVELOPMENT ZONING DISTRICT--PERMITTED USES

- A. The following primary CENTRAL BUSINESS ZONING DISTRICT for Marion County, Indiana, is hereby established, and land within said County is hereby classified, divided and zoned into said district as designated on the CBD SPECIAL DEVELOPMENT DISTRICT ZONING MAP, which MAP is attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICT other than the following permitted uses.

CBD-SPECIAL DEVELOPMENT DISTRICT (CBD-S) PERMITTED USES

ALL uses permitted within the CBD-S DISTRICT shall be subject to the Metropolitan Plan Commission's approval, as included within a required site and development plan filed with and approved by said Commission as hereinafter provided.

PUBLIC AND SEMIPUBLIC STRUCTURES AND USES, PARKS AND OPEN SPACE, including but not limited to museums, auditoriums, theaters, amphitheaters, exhibition halls or exhibition spaces, civic centers, libraries, governmental office complex, malls, greenways, and recreational uses such as sports stadia, marinas, and similar uses- (as approved by the Metropolitan Plan Commission as hereinafter provided).

APARTMENT COMPLEX, APARTMENT HOTELS, HOTELS, MOTOR HOTELS-(as approved by the Metropolitan Plan Commission as hereinafter provided).

BUSINESS OFFICE-APARTMENT COMPLEX, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities therefor (as approved by the Metropolitan Plan Commission as hereinafter provided).

INDUSTRIAL RESEARCH AND DEVELOPMENT PARK
(as approved by the Metropolitan Plan Commission as hereinafter provided).

OFF-STREET PARKING GARAGES AND LOTS,
(as approved by the Metropolitan Plan Commission as hereinafter provided).

ACCESSORY OFF-STREET PARKING WITHIN BUILDINGS-(as approved by the Metropolitan Plan Commission as hereinafter provided).

Provided, however, that no use, building or structure shall hereafter be established, constructed or used on any land in the CBD-S District for any purpose other than lawfully existed on the date of the adoption hereof until a site and development plan for said land, including the proposal CBD-S use or uses shall have been filed with and approved by the Metropolitan Plan Commission.

Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- (1) Proposed CBD-S uses.
- (2) Any existing uses, buildings and structures.
- (3) Proposed buildings and structures.
- (4) Off-street parking layouts.
- (5) Vehicular entrances and exits and turn-off lanes.
- (6) Setbacks.
- (7) Landscaping, screens, walls, fences.
- (8) Signs; including location, size and design thereof.
- (9) Sewage disposal facilities.
- (10) Storm drainage facilities.
- (11) Other utilities if above ground facilities are needed.

The Metropolitan Plan Commission may consider and act upon any such proposed site and development plan, and approve the same in whole or in part, at any public meeting of the Commission. Public notice thereof shall not be required; however, the owner, petitioner filing such plan shall have the right to appear and be heard. Such site and development plan, and uses and structures therein, shall:

- (1) be so designed as to create a superior land development plan, in conformity with the Comprehensive or Master Plan of Marion County, Indiana.
- (2) create and maintain a desirable, efficient and economical use of land with high functional and asesthetic value, attractiveness and compatibility of land uses, within the CBD-S District and with adjacent uses;
- (3) provide sufficient and adequate access, parking and loading areas;
- (4) provide traffic control and street plan integration with existing and planned public streets and interior access roads;

- (5) provide adequately for sanitation, drainage and public utilities; and
 - (6) allocate adequate sites for all uses proposed--the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive or Master Plan of Marion County, Indiana.
- B. No building or structure shall be erected in any CBD-S District without an improvement location permit and said permit shall not be issued until the site and development plan, including the proposed CBD-S use or uses and plans for such building or structure, shall have been approved by the Metropolitan Plan Commission in accordance with section 1.00 A. Applications for improvement location permit shall be made upon Metropolitan Planning Department forms and shall include all information specified by such forms.

CHAPTER 11

SECTION 2.00 CBD-S DISTRICT REGULATIONS

The following regulations shall apply to all land within the CBD-S DISTRICT.

A. After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.

B. CBD-S DISTRICT DEVELOPMENT STANDARDS

All development within the CBD-S DISTRICT shall be in accordance with the site and development plan, as approved by the Metropolitan Plan Commission in accordance with section 1.00.

1. SETBACK LINES & MINIMUM YARDS

- a. SETBACK LINES AND MINIMUM FRONT YARD:
Yards, having a minimum depth in accordance with the following setback requirements shall be provided along all street right-of-way lines:

- (1) Expressway, Parkway or Primary Thoroughfare
(as designated on the Thoroughfare Plan of Marion County, Indiana)

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 60 feet to any right-of-way line of an expressway, parkway or primary thoroughfare.

- (2) Secondary Thoroughfare (as designated on the Thoroughfare Plan of Marion County, Indiana).

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 40 feet to any right-of-way line of a secondary thoroughfare.

(3) Collector Street

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 30 feet to any right-of-way line of a collector street.

(4) Local Street, Marginal Access Street or Cul-de-Sac

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 25 feet to any right-of-way line of a local street, marginal access street, or cul-de-sac, with the exception of the vehicular turnaround thereof. No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 20 feet to any right-of-way line of the vehicular turnaround of a cul-de-sac.

Provided, however, that along the right-of-way line of any street, highway, or thoroughfare where access rights thereto have been purchased or otherwise acquired by the governmental agency having jurisdiction thereof, yards having a minimum depth of thirty (30) feet shall be provided.

C. CBD-S DISTRICT PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. VIBRATION

No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.

2. SMOKE

No use shall emit smoke of a density equal to or greater than No. 2 according to the Ringlemann Scale, as now published and used by the U. S. Bureau of Mines, which scale is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.

3. DUST

No use shall cause dust, dirt or fly-ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.

4. NOXIOUS
MATTER

No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

5. ODOR
No use shall emit across the lot lines odor in such quantities as to readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
6. SOUND
No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
7. HEAT AND GLARE
No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
8. WASTE MATTER
No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

CHAPTER 111

SECTION 3.00 SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.

Beurt R. SerVaas

William K. Byrum

Rozelle Boyd

Wm. A. Brown

THE MARION COUNTY COUNCIL

OF

MARION COUNTY, INDIANA

DATED July 2, 1968

ATTEST: John T. Sutton
AUDITOR OF MARION COUNTY, INDIANA

A part of CBD - Special Development District
Zoning Ordinance of Marion County, Indiana,
68-A0-7

